

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiffs,

v.

J.T. POSEY COMPANY,

Defendant.

Civil Action No. 05-10917 PBS

AND RELATED COUNTERCLAIM

**ASSENTED-TO MOTION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL**

Pursuant to Local Rule 7.2, defendant J.T. Posey Company (“J.T. Posey”) hereby moves, with the assent of plaintiff The HipSaver Company, Inc. (“HipSaver”), for leave to file the following document under seal:

Exhibit “A” to the Declaration of Jeffrey G. Sheldon (Docket No. 78) in Support of Motion of Defendant J.T. Posey Company For Order (1) Removing Attorneys’ Eyes Only Designation of Edward L. Goodwin’s Deposition Transcript; (2) Compelling Further Deposition of Edward L. Goodwin; And (3) For Sanctions Against HipSaver And Its Counsel (Docket No. 76) (filed electronically on December 30, 2005).¹

The document in question is the transcript of the deposition of HipSaver’s president, Edward Goodwin, on November 30, 2005. Counsel for HipSaver has designated the entire transcript as “Confidential – Attorneys’ Eyes Only” under the Protective Order in this matter

¹ This motion is being filed electronically pursuant to the Court’s Electronic Case Filing Administrative Procedures, effective January 1, 2006. The exhibit itself will be filed with the Court on paper together with a copy of this motion.

(Docket No. 48). J.T. Posey challenges that designation, for the reasons set forth in its motion for an order *inter alia* removing the “attorneys’ eyes only” designation from the transcript (Docket No. 76).

Pursuant to paragraph 6.3 of the Protective Order, J.T. Posey requests that this document be impounded until such time as the Court rules on J.T. Posey’s motion to remove the “attorneys’ eyes only” designation. J.T. Posey makes this request without prejudice to its motion for re-designation of the document.

WHEREFORE, it is respectfully requested that the Court grant this assented-to motion for leave to file the above-described document under seal.

J.T. POSEY COMPANY
By its attorneys,

Date: January 3, 2006

/s/ Anthony J. Fitzpatrick
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CERTIFICATE OF SERVICE

I, Anthony J. Fitzpatrick, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants by first class mail, postage prepaid, on January 3, 2006. I further certify that a copy of the accompanying Exhibit A will be served on counsel of record for each other party by hand on January 3, 2006.

/s/ Anthony J. Fitzpatrick

Anthony J. Fitzpatrick

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